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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Seventh session

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 23 November 1992, at 3.30 p.m.

Chairman: Mr. ALSTON

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The meeting was called to order at 3.30 p.m.

STATEMENT BY THE UNDER-SECRETARY-GENERAL FOR HUMAN RIGHTS

1. Mr. BLANCA (Under-Secretary-General for Human Rights) began by congratulating the four outgoing members of the Committee who had been re-elected for four years in April 1992; he thanked Mr. Konaté, Mr. Fofana, Mr. Mratchkov, Mr. Neneman and Mr. Sparsis, whose mandates expired at the end of the year, for their contribution to the Committee's work.

2. In his report to the General Assembly on the work of the Organization, the Secretary-General had noted out that the United Nations had not been able to act effectively to bring to an end massive human rights violations. Stressing that the Organization could not stand idle or indifferent in the face of the barbaric conduct which filled the news media today, he had suggested empowering the Secretary-General and expert human rights bodies to draw massive violations of human rights to the attention of the Security Council, together with recommendations for action, and bringing together in a focused way the considerable information already available so as to understand complex situations better and propose appropriate responses. The Secretary-General had also underscored, in his report, the interdependence between respect for human rights, preserving international peace and security and socio-economic development and had expressed the hope that the World Conference on Human Rights would reaffirm the need for the full implementation of economic, social and cultural rights, together with civil and political rights, as well as the link between development and the enjoyment of human rights.

3. Reviewing the activities of the other United Nations bodies in the area of economic, social and cultural rights, he noted that at its forty-eighth session, the Commission on Human Rights had expressed satisfaction that the Committee continued to adopt general comments, taken note with interest of the general debate on the question of social and economic indicators at the sixth session of the Committee and endorsed the Committee's request to the Economic and Social Council to be allowed to hold an additional session in the first half of 1993 to consider the numerous reports that had accumulated over the years. He was pleased to inform the Committee that the Economic and Social Council had approved that session, which would be held in Geneva from 10 to 28 May 1993.

4. With regard to the Committee on the Elimination of Racial Discrimination, he regretted that for financial reasons the Committee had only held one two-week session instead of two three-week sessions in the course of the year. That situation showed how ambiguous relations were between the Organization and the international community: the United Nations was repeatedly called upon to undertake emergency operations, yet when it came to holding regular meetings as a preventive measure, it faced grave difficulties. Fortunately, a procedure was in progress to amend the Convention so as to return to the full financing of the activities of the Committee by the United Nations regular budget, and it should eventually enable the Committee to overcome its difficulties (the same applied to the Committee against Torture).

5. The Committee on the Rights of the Child, which had held its second session from 28 September to 9 October 1992, had pursued its consideration of various questions regarding its working methods and had devoted a day to a general debate on the question of children in armed conflicts.

6. The Chairmen of the international human rights treaty-monitoring bodies, holding their fourth meeting in October in Geneva, had examined, among other questions, measures to improve the coordination of the work of the various committees and enhance consultation on ways to remedy problems impeding the smooth functioning of procedures, as well as the question of reservations made to certain instruments. The meeting had given the committees the last opportunity to coordinate their activities before the World Conference on Human Rights, scheduled to be held in Vienna in June 1993. The second and third meetings of the Preparatory Committee had been held in Geneva from 30 March to 10 April and from 14 to 18 September, respectively, a regional meeting for Africa had been convened in Tunis from 2 to 6 November, and other regional meetings were planned in San José, Costa Rica, and Bangkok, Thailand, at the beginning of 1993. The Secretariat was preparing six studies covering the objectives set forth in General Assembly resolution 45/155.

7. Turning to the activities of the Centre for Human Rights, he said that the Centre had organized several seminars or training courses, including a course held in Tehran at the beginning of August on preparing reports for the various international human rights instruments.

8. Stressing the particular importance that he attached to the work of the Committee, he expressed the hope that its members would complete their work successfully, and he assured them of his and the secretariat's active support. Underlining the interdependence of economic, social and cultural rights and civil and political rights, he denounced the indifference to poverty and to the plight of hundreds of thousands of children who, only just born, were already doomed to failure or death. The United Nations must seek to alert world public opinion and to remedy that situation. He was looking forward to launching in New York, on 10 December, Human Rights Day, the International Year of the World's Indigenous People, which would draw the attention of the international community to the cultural rights of some 300 million marginalized people.

ORGANIZATION OF WORK (agenda item 2) (E/C.12/1992/L.1) (continued)

9. The CHAIRMAN proposed that a working group should be set up, with five members whose mandate would not expire until the end of the year, it being understood that the other members of the Committee could participate in its work. The group would be mandated to draw up a preliminary list of issues to be placed on the agenda of the next session, to begin examining the general comments made and the question of an optional protocol and to study the text of a declaration that might be submitted to the Preparatory Committee of the World Conference on Human Rights and then to the Conference itself.

10. The Committee would continue to instruct members to submit draft concluding observations on each report presented. The Human Rights Committee followed a similar procedure in that it, too, adopted concluding observations to express satisfaction at the efforts made in certain areas by the country

whose report was under consideration, while drawing that country's attention to the particular points that continued to give cause for concern.

11. Lastly, he recalled that a meeting of the Committee would be devoted to a general debate on the right to participate in cultural life, as recognized in article 15 of the Covenant. The Committee had neglected to study that right, few questions having been posed in that regard, particularly as concerned indigenous minorities. He proposed that UNESCO and the relevant non-governmental organizations should be invited to take part in the debate on the question and asked the members of the Committee to consider what contribution they might make to the debate and to put forward suggestions.

12. Mr. KONATE said that he had submitted to the secretariat of the Committee an exhaustive study on the question of the right to participate in cultural life.

13. The CHAIRMAN thanked Mr. Konaté for that document, which would be distributed to the members of the Committee.

CONSIDERATION OF REPORTS (agenda item 5)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT

Belarus (E/1990/7/Add.5)

14. At the invitation of the Chairman, Mr. Gornak, Mr. Mardovitch and Mr. Galka (Belarus) took places at the Committee table.

15. Mr. GORNAK (Belarus), introducing the second periodic report of the Republic of Belarus (E/1990/7/Add.5) concerning rights covered by articles 13 to 15 of the Covenant, said that major political and economic changes had occurred in his country since 25 August 1991, when the Belarusian Supreme Soviet had proclaimed the sovereignty of the Republic of Belarus. Moreover, starting in December 1991, when the 1922 Treaty of Union establishing the USSR had been abrogated and replaced by the agreement creating the Commonwealth of Independent States, the Supreme Soviet of the Republic of Belarus had begun consideration of legislation in all areas of public life. At its October 1992 session, it had examined a draft constitution as well as draft legislation on the rights of children, State assistance to families and to children of school age, the minimum wage, the preservation of the cultural and historical heritage, etc. Needless to say, the draft legislation took into account the international obligations incumbent upon Belarus under international conventions, covenants and agreements.

16. The weakening and, indeed, rupture of the economic ties uniting the various States of the Soviet Union had had an adverse impact on the overall economic situation in Belarus. According to the Belarusian Committee of Statistics, for the period January-August 1992 national income had fallen by 15 per cent, and production had collapsed in many industrial sectors. Furthermore, although the grain harvests had been bigger, the production of many other agricultural products had also dropped.

17. Comparing the same period with January-August 1991, the nominal income of the population had grown 6.1 and average wages 7.6 times, but food prices had increased sixfold, and the retail price index had risen by 864 per cent.

18. In addition, following personnel cutbacks due to the closure of numerous enterprises and the dismissal of many members of the armed forces and civil servants, 52,500 persons had been without work in the beginning of September 1992, 23 per cent of whom had been given the status of unemployed.

19. The population of the Republic of Belarus exceeded 10 million persons, 80 per cent of whom were Belarusians, as well as 1,200,000 Russians, 450,000 Ukrainians, 400,000 Poles and other nationalities.

20. Concerning the implementation of article 13 of the Covenant, article 5 of the Education Act of the Republic of Belarus stated that citizens had the rignt to enjoy free education in primary schools, as well as in certain other schools for persons who had successfully sat a competitive examination or met certain other criteria.

21. All pupils received "basic schooling", which lasted nine years. They could then continue their training in a vocational school or study two more years and for a general secondary school diploma, which allowed them to study at higher technical institutes or to sit an entrance examination for schools and institutes of higher learning. Moreover, there also existed non-scholastic institutions for particularly gifted children and adolescents, with over 300,000 pupils broadening and deepening their knowledge in an atmosphere of cooperation with their teachers. Each non-scholastic establishment had its own curriculum; in the future, they would be promoted as part of the development of each region of the country, taking into account the guidelines defined jointly by specialists, teachers, parents and pupils.

22. The Republic's first private schools had opened their doors. It was not planned to have classes in religion in the public schools. Russian was compulsory, but all children had the right to receive an education in their national language; as a consequence, the number of pupils who wished to study in Russian was declining.

23. As to the implementation of article 15 of the Covenant, the Act on Culture in the Republic of Belarus, adopted on 4 June 1991, guaranteed the sovereign rights of the Republic in the area of culture as well as respect for the principles of ideological and political independence, and created the institutions needed for the free development and financial promotion of culture. Freedom of artistic creation, cultural pluralism, free access to all cultural values and the defence of intellectual property rights were also guaranteed. Priority had been given to the development of Belarusian national culture, while also taking into account the cultures of the other nationalities.

24. With regard to the right of minorities to use their own language, article 10 of the Act on the Use of Languages in the Republic of Belarus guaranteed the right of everyone to develop one's culture in one's own language, both in schools and in all cultural facilities. Moreover, the

citizens of all nationalities and ethnic groups had the right to form cultural associations, clubs, etc.

25. The democratization process in the Republic of Belarus had led to the abolition of censorship and of the lists of banned books.

26. The Republic of Belarus subsidized cultural activities, and by law at least 3 per cent of the total budget of the Republic must be earmarked for that purpose.

27. Concerning international cultural cooperation, the Republic of Belarus was currently negotiating agreements in that area with Germany, Italy, France, Slovenia, Poland, Turkey and China.

28. As to the role of international assistance in implementing the rights covered by article 15, the international community had provided major humanitarian aid following the disaster at Chernobyl. The financial and material assistance made available by the United Nations and UNESCO, however, was far from sufficient.

29. The CHAIRMAN thanked the representative of Belarus for his statement and invited the members of the Committee to ask questions on the points of the report on which they sought clarification.

30. Mr. NENEMAN, who took great interest in the problems encountered by countries in transition, asked whether the Republic of Belarus really had sufficient resources to ensure free education at all levels. He also inquired about the role of the Russian language in education and culture, as well as on television and in the cinema. As cultural activities had been heavily subsidized in the past, thereby enabling many cultural establishments to be created, he wondered whether, given the current situation, those establishments still existed.

31. With regard to the implementation of article 13 of the Covenant, he noted that the legislation of the Republic of Belarus guaranteed all citizens the right to free education in keeping with the needs of society. He asked what the legislation covered in practice and whether administrative pressure was exerted to impose certain types of education or training upon students, in the light of social requirements. According to the report presented by the Republic of Belarus, 70 per cent of pre-school children attended kindergartens and pre-school institutions, and he inquired whether the fact that a mother worked constituted a precondition for the admission of her children to that kind of establishment. Were there schools for minorities that taught in their language? Lastly, the report indicated that the material situation of teachers had been steadily improving, and he asked the representatives of the Republic of Belarus whether they could provide figures on the salaries of teachers or at least compare their salaries with other occupational categories.

32. Mr. RATTRAY said that the report under consideration provided much information of a general nature, but few precise details on the effective enjoyment of the possibilities offered by national education. For example, what proportion of pupils who had finished primary schooling entered secondary

school, and what was the proportion of young people that went on to institutions of higher learning after finishing secondary school? The report frequently evoked the idea of lifelong education and gave a good description of schooling from nursery school to higher university education and professional training, but did not mention the adult population. Were there any illiterates in Belarus or elderly persons who had had little schooling and, if so, did the educational system offer them the opportunity to acquire an education, and was it free? Drawing attention to paragraph 31 of the report, which stated that stipends for students whose examination results were excellent had been increased by 50 per cent, he asked whether the economic difficulties that Belarus was facing had had an impact on the amount of the basic stipend for students in higher educational establishments as a whole. With regard to schools established within the higher education system for particularly gifted children (para. 14), he inquired what criteria were used to determine whether a young person was particularly gifted and whether such criteria focused more on scientific than artistic talents. What proportion of all school children were particularly gifted? Lastly, it often happened that the more democratic the school, the more difficult it was to maintain discipline. Was that also the case in Belarus, and had measures been taken to preserve the mutual respect and cooperation between teachers and pupils referred to in paragraph 19?

33. Mr. MUTERAHEJURU said that according to the press and other sources of information, the countries of the former Soviet Union no longer subsidized, for want of resources, the living expenses of many of the foreign students from developing countries, particularly Africa. Was that the case in Belarus, and if so, what was the extent of the phenomenon? Had measures been taken, and had there been an appeal for international cooperation, to provide those students with the means to pursue their studies on the spot and thus to continue to enjoy their right to education?

34. Mr. MRATCHKOV said that by sending representatives to the Committee to present its report, the Belarusian Government had shown that despite the economic difficulties that the country was facing, it was anxious to comply with its international obligations. But education and culture were often the first areas affected and, indeed, sacrificed, when an economic crisis struck. What was the situation in that regard in Belarus? For example, had new universities or faculties been created recently, and had the number of students in higher educational establishments risen or fallen? He also sought more details about the academic independence of higher educational establishments under the new living conditions in Belarus and asked whether it was possible, from the juridical point of view, to open private schools at the three educational levels and, if so, whether such establishments existed and what the attitude of the Government was towards private education.

35. Mrs. JIMENEZ BUTRAGUEÑO, referring to paragraph 15 of the list of issues of the Working Group, asked to what extent freedom of religion, which currently seemed to be well protected in Belarus, had facilitated religious and moral instruction in the schools and whether an increased demand had been noted among parents to have their children receive such education. Were classes in religion held in State schools as well as private? She also inquired about the educational, cultural and recreational possibilities offered to the elderly and to senior citizens.

36. Mrs. IDER asked whether foreigners permanently residing or staying in Belarus for short periods enjoyed the rights set forth in articles 13 to 15 of the Covenant in the same way as Belarusian citizens. More generally, she inquired about the procedures to which individuals could have recourse to ensure that their rights were recognized and they could effectively exercise them when they considered that their rights had been violated. Was the exercise of those rights subject to any restrictions? Had the Government been forced to cut funding for education and culture in order to meet the economic difficulties that the country was facing; to what extent had allocations been increased or decreased in real terms and were they still sufficient to maintain the quality of education? It was her impression that in many countries of the former socialist system, the school curricula had a strong ideological slant. As the official ideology had been abandoned, was it planned, and had efforts begun, to review the school curricula at all levels in the light of internationally recognized standards? If so, what problems had been encountered, and had an appeal been made to other countries for cooperation in that regard? Lastly, she noted that in many countries, studies seemed to have been losing momentum at all levels, no doubt as a result of the difficult economic situation of families and individuals, and she wondered if that was also the case for Belarus.

37. Mr. FOFANA awaited with interest the replies to questions posed by a number of previous speakers, in particular by Mr. Mratchkov with regard to private education in Belarus. For his part, he inquired about what had been done to develop that new form of education and whether the conditions of teachers in the private sector were identical to those in State schools, particularly with regard to salary and, if a gap existed, what measures had been taken to bridge it.

38. Mr. KONATE said that in his statement, Mr. Gornak had limited himself to generalities, and he hoped that the oral replies of the representative of Belarus to the questions posed by the Committee would be more concrete. Furthermore, he had not understood how, as maintained in the introductory statement, the income of the population could increase, because the decline in industrial and agricultural production to which the representatives of Belarus had referred should automatically have led to a drop in income and employment.

39. Concerning education more particularly, like Mrs. Ider he wondered about the school curricula, which in the past had been heavily tainted by ideology. Surely the competent authorities had planned to review them after the country had renounced the old ideology and had opened up to democracy. He asked the representatives of Belarus to shed some light on that question. Turning to the rights covered by article 15 of the Covanent, he was surprised that Belarus had made Russian the official language of the country and asked what measures the State had taken, particularly at the juridical level, to guarantee the linguistic and cultural rights of all national ethnic groups. He noted that no information had been provided about the right to enjoy the benefits of scientific progress and its applications, which was also covered by article 15 of the Convention; he was convinced that all the countries of the former Soviet Union would have a lot to say about the so-called "benefits" of scientific and technological progress and the sometimes disastrous consequences of their application, for example the environmental disasters caused by nuclear accidents. He sought further clarification on the

legislative and other measures that the State had taken or intended to take to protect the environment, and, in so doing, to guarantee the rights set forth in article 15 of the Covenant.

40. The CHAIRMAN invited the representatives of Belarus to reply to the questions asked by the members of the Committee.

41. Mr. GORNAK (Republic of Belarus) said that he was pleased that the report submitted by Belarus had aroused so much interest and that the members of the Committee had given it such close consideration. The questions put showed that the members of the Committee wanted to know about the concrete situation of education and culture in Belarus in the current period of transition that the country was currently going through, and he would attempt to reply.

42. Before responding to Mr. Neneman, he pointed out that Poland and Belarus were linked not only by a common border of several thousand kilometers, but also by their populations, because many thousands of Poles lived in Belarus and approximately 450,000 Byelorussians lived in Poland. Replying to Mr. Neneman's first question, he said that education in Belarus was currently free at all levels, not just secondary school. But in view of shrinking budgetary resources brought about by the drop in production, the authorities were attempting to reduce expenditure on education. It was likely that in the future, modest educational fees would be introduced starting in the tenth and eleventh grades, but that the so-called basic schooling, which went until ninth grade and was compulsory, would continue to be free. Textbooks and manuals, free in the past and often mistreated by pupils and students, would also have to be paid for at 20 per cent of their value, which was also a very modest contribution. Stipends granted to pupils or students in vocational schools were steadily rising; they represented 60 to 70 per cent of the minimum wage, set at 2,000 roubles since 1 November 1992, and were in addition to food and clothing provided free of charge to stipend recipients. As an economy measure, it was planned to make the granting of stipends contingent upon successful examination results. The pupil or student must receive a grade higher than four to be eligible for a stipend; that condition had not existed in the past. It was an excellent measure and might be a good stimulus.

43. As the mother tongue of more than half the population, the Russian language played a very important role in Belarus and it was compulsory in all schools. That might appear to be surprising, at first sight, because there was a national language: Byelorussian. But Russian and Byelorussian were very close and mutually understandable. Consequently, the role of Russian was not likely to diminish. Byelorussian, on the other hand, had been losing importance over the past 10 years. To counteract that trend, two solutions were possible: give Byelorussian the status of the sole official language, or give both Byelorussian and Russian that status. In any event, while public servants must use the official language in the exercise of their duties, everyone was perfectly free, in daily life, to use the language of his choice. Hence, imposing Byelorussian would be a violation of freedom and of human rights.

44. The heavy subsidies for culture of the past would be maintained, because they were essential. Thus, the Act on Culture called for earmarking

3 per cent of the national budget to subsidize culture. As indicated in the report (para. 40), in 1988 admissions to theatres and concert halls had numbered 10 million. Since then, admissions had not declined; but a curious phenonemon had been noted: once the educational establishments had begun purchasing theatre or cinema tickets from their special funds, the theatres and cinemas were half empty; that had not happened when pupils and students had bought their tickets themselves.

45. Having graduated, students were no longer bound to accept the position to which they had been assigned or to remain there for at least three years, as in the past. Today, more than half of all graduates freely chose their employment. If they had a job that was not to their liking, they applied to the administration, which made them offers in accordance with the posts available. Students who received a stipend from an enterprise usually must work for the enterprise or else pay back the stipend.

46. Most kindergartens were public, but some enterprises, factories etc. also had such facilities, and 70 per cent of all children attended them. No conditions (a working mother, health or the like) were imposed for enrolment.

47. In Belarus, there were also schools for minorities in which classes were conducted in the minority language. For example, in October 1992 in the region of Brest-Litovsk, the Polish and Byelorusian Ministers for Education had jointly opened a Polish school at which classes would be taught in Polish. Poland had provided all the necessary textbooks.

48. As in many other countries, teachers in Belarus, even at secondary and higher education levels, were not very well paid. However, the Government had taken a number of measures on behalf of them. On 1 September, teachers' salaries had been raised by 50 per cent. In October, the Supreme Soviet of Belarus had promulgated legislation stipulating that in vocational schools the salary of a teacher must not be less than that of an equivalent employment in industry (currently around 5,500 roubles). The salary of teachers at secondary level must be 50 per cent higher than that, and it increased after 18 hours of weekly classes. Lastly, it was common knowledge that the salary of high-level researchers and university teachers had always been very high in Belarus.

49. Replying to Mr. Rattray, he said that the entire population of Belarus enjoyed primary education or basic schooling, which covered five classes. In all, compulsory education lasted nine years and was free. Certain pupils, such as handicapped children and those who were seriously ill, could not finish, but they only amounted to 3 to 4 per cent of the total. After the ninth grade, 12 per cent of all pupils chose to start secondary school and specialized educational institutions. That was the so-called specialized secondary education, which trained workers and craftsmen whose skills were superior to those of simple workers but inferior to those of engineers. Another 30 per cent of pupils leaving the ninth grade enroled in institutions for vocational training, and 50 per cent entered a tenth grade to begin a general secondary education. At the end of vocation training, 12 to 15 per cent of the pupils went on to an establishment of higher learning. After the eleventh grade, 20 to 25 per cent of those pupils who had finished secondary schooling likewise chose to begin higher education, and after the

tenth grade, those who had not gone on to higher education started an accelerated occupational training, whereas others went to work as soon as they had finished a period of apprenticeship.

50. Currently, following basic schooling, i.e. starting with the tenth grade, recruitment was carried on the basis of a competitive examination. It was planned to offer all pupils who had finished their basic schooling the opportunity to start vocational training free of charge in an appropriate establishment.

51. It was difficult to say for each age group what proportion of pupils were particularly gifted (para. 14 of the report), but in general, it was those pupils who had shown a talent for the fine arts or who had won awards in chemistry or mathematics, for example. They were then exempted from the university entrance examination, after which they followed the same course of study as other students.

52. He understood the concern expressed by Mr. Rattray regarding relations between students and teachers. Friendship and equality for all was certainly an element of democratization, but there was the risk that discipline would suffer and that the students might even stop attending classes. The solution adopted in Belarus was the following: students who did not want to attend classes must set up their own minimum course of study on the basis of the official curriculum of study and must appear two or three times per school term to show their teachers what progress they had made. Teachers sought to adapt their teaching and to establish cooperation with the pupils. In the final analysis, that phenomenon was not entirely new, but matters should not be allowed to go too far.

The meeting rose at 6.05 p.m.